



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 22, 1995

Ms. Karen Anderson
Assistant City Attorney
The City of Fort Worth
1000 Throckmorton Street
Fort Worth, Texas 76102

OR95-777

Dear Ms. Anderson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 24709.

The City of Fort Worth (the "city") received an open records request for "copies of any investigative reports compiled by the Fort Worth Police Department, or any other investigative agency whose reports are in your possession concerning the arrest of [a particular individual] on or about April 17, 1993." You inform us that the requestor has filed a civil claim against the city on behalf of the particular individual alleging excessive use of force and lack of probable cause for the arrest for which he now seeks information. You inform us that the only investigative reports at issue are the police department's Internal Affairs Division (IAD) files. You state that these investigative reports are located in the internal personnel files for the officer who arrested the particular individual. You inform us that the police department has told you that no other investigative reports exist from any other agency regarding this incident. You contend that section 552.101 of the Government Code, in conjunction with section 143.089 of the Local Government Code, as well as sections 552.102, 552.103, and 552.108 except from required disclosure the IAD reports related to the particular individual arrested on or about April 17, 1993.

Initially, you claim that, pursuant to section 552.101 of the Government Code, some of the requested information must be withheld from required public disclosure. Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You state that the city has adopted the Municipal Civil Service Provisions of the Local Government Code. You assert that the relevant provision in this instance is section 143.089(g) of the Local Government Code which provides:

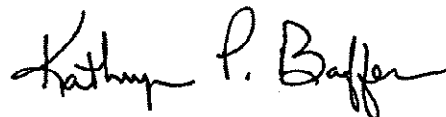
A fire or police department may maintain a personnel file on a fire fighter or police officer employed by the department for the department's use, but the department may not release any information contained in the department file to any agency or person requesting information relating to a fire fighter or police officer. The department shall refer to the director or the director's designee a person or agency that requests information that is maintained in the fire fighter's or police officer's personnel file.

Information maintained in the police department's internal personnel files is confidential and is excepted from required public disclosure. *City of San Antonio v. Texas Attorney Gen.*, 851 S.W.2d 946, 949 (Tex. App.--Austin 1993, writ denied). A request for information that is located in the special police department internal personnel file must be referred to the civil service director or his designee. *See Local Gov't Code* § 143.089(g); *City of San Antonio*, 851 S.W.2d at 949.

You contend that the requested information is located in the police department's internal personnel files, and is, therefore, confidential. You have submitted for our review the requested information. Since the information submitted is part of the police department's internal personnel file regarding the officer at issue it is confidential under section 143.089 of the Local Government Code and you must withhold the information pursuant to section 552.101 of the Government Code.

Since we have determined that the requested information is excepted from required disclosure pursuant to section 552.101 we do not need to address your arguments asserting other exceptions under chapter 552 of the Government Code. We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kathryn P. Baffes
Assistant Attorney General
Open Government Section

KPB/RHS/rho

Ref: ID# 24709

Enclosures: Submitted documents

cc: Mr. William O. Wuester
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(w/o enclosures)